

Senate Bill 49

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CHAPTER 90, LAWS OF 1967

AN ACT to repeal 10.10 (7) (a) and (41); to amend 5.02 (3); to repeal and recreate 5.60 (8) and 8.12; and to create 10.10 (21) (d), (22), (34), (59) (e), (108) (a) and (b) and (118) (a) and (b) of the statutes, relating to the presidential preference vote, and the methods of selecting delegates and alternates to attend the quadrennial national conventions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (3) of the statutes is amended to read:

5.02 (3) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers and delegates to each party's national convention required to be elected in that year to express preferences for the person to be the presidential candidate for each party.

SECTION 2. 5.60 (8) of the statutes is repealed and recreated to read:

5.60 (8) BALLOTS FOR PRESIDENTIAL VOTE. There shall be a separate ballot for each party qualified under s. 5.62, listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote against the choices offered on the ballot. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

(a) An official ballot shall be printed and provided for use in each voting district. The form of each ballot shall be substantially as follows: Form 1, to be used when there are several candidates:

OFFICIAL BALLOT
PRESIDENTIAL PREFERENCE BALLOT

..... Party

MARK THIS BALLOT IN ONE SPACE ONLY. You have one of 3 choices—you may either:

Express your preference for one of the persons whose names are printed on this ballot (in that case, make a cross or other similar mark in the space after that person's name); or:

Vote against all of the names printed on this ballot, thus in fact ex-

will then be visible. The remaining ballots shall be folded in like manner by the elector. The elector shall, without leaving the polling place, deliver in person the ballot on which he has expressed his presidential preference, and the remaining ballots, to one of the inspectors for deposit in the proper ballot boxes.

(e) Immediately after the canvass the inspectors shall, without examination, destroy the ballots deposited in the blank ballot box.

SECTION 3. 8.12 of the statutes is repealed and recreated to read:

8.12 PRESIDENTIAL PREFERENCE VOTE. (1) SELECTION OF NAMES FOR BALLOT. In each year in which electors for president and vice president are to be elected, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of their party.

(a) On the first Tuesday in February of said year, there shall be convened in the capitol a committee consisting of for each political party recognized under s. 5.62 the state chairman of that state party organization which is the state organization recognized by the national organization of the respective political party, the national committeeman and the national committeewoman; the speaker and the minority leader of the assembly, and the president pro tempore and minority leader of the senate. This committee shall organize by selecting an eleventh member who shall be the chairman and shall determine, and certify to the secretary of state no later than on the Friday following the first Tuesday in February, the names of all candidates of the political parties recognized under s. 5.62 for the office of president of the United States. The committee shall have sole discretion that such candidates' candidacy is generally advocated or recognized in the national news media throughout the United States.

(b) No later than 5 p.m. on the last day in February of said year, any person seeking the indorsement by the national convention of a political party recognized under s. 5.62 for the office of president of the United States, or any group organized in this state on behalf of and with the consent of such person, may submit to the secretary of state a petition to have said person's name printed on the presidential preference ballot. Such petition shall be signed by a number of qualified electors equal in each congressional district to not less than one per cent nor more than 1.5% of the total number of votes for presidential electors cast in the territory of the present congressional district at the last preceding presidential election.

(c) The secretary of state shall forthwith contact each person whose name has been placed in nomination under par. (a) and notify him that his name will be printed on the Wisconsin presidential preference ballot unless he files, no later than the last day in February of said year, with the secretary of state, an affidavit stating without qualification that he is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The affidavit may be filed with the secretary of state by registered mail, telegram or in person.

(d) Any proposed presidential candidate who does not file the disclaimer under par. (c) may, no later than 5 p.m. on the 2nd Tuesday in March, file with the secretary of state a full list of district and at-large delegates and alternates according to the number allotted or permitted this state's party organization by the national committee of the political party, but not less than two-thirds of the convention votes shall be allotted on an equal basis to congressional districts.

(2) BALLOTS. (a) The form of the official ballots shall be prescribed by the secretary of state under s. 5.60 (8).

(b) Except as otherwise provided in ss. 5.60 (8) and 8.12 (1) and

(3), the presidential preference vote election shall be noticed, held and conducted, and the results canvassed and returned, in the manner provided for judicial elections.

(3) DELEGATES TO NATIONAL CONVENTION. (a) No later than the last Monday in April following the presidential preference vote, the secretary of state shall notify each state party organization chairman under s. 8.12 (1) (a) of the results of the presidential preference vote cast within his party.

(b) If the presidential preference vote in any district or in the state at large is won by a write-in candidate or by a candidate who did not file a list of delegates under sub. (2) (d), or if in any district or in the state at large a majority of the voters cast their ballots for "none of the names shown" or against the single name shown on the ballot, that state party organization which is the state organization recognized by the national organization of the respective political party shall select as many delegates or alternates as are allotted or permitted this state's party organization by the national committee of the political party, the method of selecting the delegates or alternates to be determined by the state party organization, but not less than two-thirds of the convention votes shall be allotted on an equal basis to congressional districts and these delegates and alternates shall be selected by the party organizations of each respective district. In executing the pledge under par. (c) 5, district delegates and district delegate alternates shall be bound by the outcome of the presidential preference vote in their respective districts, and the delegates and alternates representing the state at large shall be bound by the outcome of the total presidential preference vote in the state at large. The selection of delegates and alternates shall occur no earlier than the Tuesday after the last Monday in April following a presidential preference vote. The names of the suggested delegates and alternates pledged to a particular candidate shall be transmitted to that candidate for his approval no later than June 1, and the candidates shall notify the chairman of the state party organization of his disapproval of any delegate or alternate by June 5, and where the candidate has disapproved his suggested delegates and alternates, he shall file his own list of delegates and alternates, which shall become the official slate of the particular candidates, delegates and alternates to the national presidential convention. No person selected as a delegate or alternate shall qualify to attend the national convention of his political party unless he files with the state central committee of his political party a written declaration of acceptance, signed by himself, on a form prescribed by the secretary of state, and the state central committee deposits this declaration of acceptance in the office of the secretary of state no later than 5 p.m. on June 15.

(c) The declaration of acceptance shall be in the form of an affidavit and shall contain the following information:

1. The name, residence and post-office address of the delegate or alternate delegate.
2. A statement that he is a qualified voter.
3. A statement that he will not withdraw his name before the holding of the national convention of his party.
4. A statement that he is affiliated with the political party which selected him as a delegate or alternate to its national political convention.
5. If a specific candidate for the office of president of the United States received the plurality of the votes cast in the presidential preference vote election, a pledge in the following form:

"As a delegate to the 19...national convention of the..... party I pledge myself to support the candidacy ofas a candidate for the nomination for president by the party; that I will, unless prevented by the death of the candidate, vote

for his candidacy on the first ballot; and vote for his candidacy on any additional ballot, unless released by said candidate, until said candidate fails to receive at least one-third of the votes authorized to be cast; and that, thereafter, I shall have the right to cast my convention vote according to my own judgment."

(d) The secretary of state shall forthwith certify to the credentials committee at the national convention of each party recognized under s. 5.62 a list of the names of the delegates and alternates qualified to represent the party organization of this state by virtue of having complied with pars. (b) and (c).

(e) Any vacancy in an office of delegate or alternate to a national political party convention caused by the death, or inability for any reason to serve, of a delegate or alternate delegate shall be filled by the central committee of the political party organization entitled to make the original selection under par. (b), but no person selected to fill a vacancy under this paragraph shall be qualified to serve unless he executes the affidavit required under par. (c) 5.

SECTION 4. REVISOR TO ADJUST SECTION 10.10 (SCHEDULE). The revisor of statutes, in consultation with the office of the secretary of state, shall revise where necessary the schedules under section 10.10 (intro.) to reflect any changes made by this act in section 10.10 of the statutes, and shall show the schedules so revised in the printing of the 1967 statutes.

SECTION 5. 10.10 (7) (a) and (41) of the statutes are repealed.

SECTION 6. 10.10 (21) (d), (22), (34), (59) (e), (108) (a) and (b) and (118) (a) and (b) of the statutes are created to read:

10.10 (21) (d) The committee to determine the candidates for the presidential preference determination shall convene—8.12 (1) (a).

(22) *Friday after first Tuesday in February.* Secretary of state shall contact each person who has been nominated—8.12 (1) (c).

(34) *Last day of February.* (a) 5 p.m. deadline of any person seeking indorsement by national convention of a political party for office of president—8.12 (1) (b).

(b) Last day to remove candidate's name from presidential preference ballot.

(59) (e) 5 p.m. deadline for presidential candidates to submit list of delegates and alternates—8.12 (1) (d).

(108) (a) *Last Monday in April.* Deadline for secretary of state to notify party chairman of results of presidential preference vote—8.12 (3) (a).

(b) *Tuesday after last Monday in April.* First day for selection of delegates and alternates to national conventions by the parties—8.12 (3) (b).

(118) *June 15.* (a) Deadline for written declaration of acceptance by delegates and alternates to be deposited with the secretary of state—8.12 (3) (b).

(b) Secretary of state shall certify the names of delegates and alternates to the credentials committee at the national convention of each party—8.12 (3) (d).

SECTION 7. EFFECTIVE DATE. This act shall first apply to the spring election held in 1968 and for this purpose shall take effect on November 1, 1967.

Approved July 25, 1967.